CONFERENCE ON DISARMAMENT

CD/1235
5 January 1994

Original: ENGLISH

LETTER DATED 4 JANUARY 1994 FROM THE PERMANENT REPRESENTATIVE OF AUSTRALIA TO THE UNITED NATIONS FOR DISARMAMENT MATTERS ADDRESSED TO THE PRESIDENT OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF A WORKING PAPER ENTITLED "COMPREHENSIVE NUCLEAR TEST BAN TREATY: A DRAFT STRUCTURAL OUTLINE"

I have the honour to forward to you herewith the text of a working paper entitled "Comprehensive Nuclear Test Ban Treaty: a Draft Structural Outline", which I introduced and tabled during intersessional consultations convened on 9 December 1993 by Ambassador Tanaka in his capacity as Chairman of the Conference's Nuclear Test Ban Ad Hoc Committee.

I would be grateful if this working paper could be distributed as an official document of the Conference on Disarmament.

(Signed): Paul O'Sullivan
Ambassador

COMPREHENSIVE NUCLEAR TEST BAN TREATY

A DRAFT STRUCTURAL OUTLINE

For the purposes of developing a better basis for discussions under the Chairman's 10 August mandate of how the initial phase of the negotiation of a CTBT might be organised, it might be useful to conceptualise the structure of a CTBT as follows:

Preamble
Article I - Basic Obligations
Article II - Declarations
Article III - The Organization
Article IV - National Implementation Measures and Assistance
Article V - Verification
Article VI - Settlement of Disputes
Article VII - Non-compliance
Article VIII - Privileges and Immunities
Article IX - Status of Protocols
Article X - Entry into Force
Article XI - Reservations
Article XII - Duration and Withdrawal
Article XII - Review of the Treaty
Article XIV - Amendments
Article XV - Depositary
Article XV - Authentic Texts
Protocol I - The Organization
Protocol II - Global Monitoring and Verification System
- Part I - Seismic Monitoring
- Part II - Surveillance of Radionuclides in the Atmosphere
- Part III - Use of Satellite Data
- [Part x - .....]

Protocol III - Procedures for On-Site Inspections and Monitoring
- Part I - Procedures for International On-Site Inspections
- Part II - Procedures for On-Site Monitoring of Large Non-Nuclear Explosions

The Text on the Preparatory Commission

2. On the basis of acceptance that the negotiating structure for the Nuclear Test Ban Ad Hoc Committee in 1994 will consist of at least two subsidiary bodies, working respectively in verification and compliance on the one hand, and legal and institutional issues on the other, the following tentative division of

labour between the two Working Groups could be postulated for the treaty structure conceptualised above. This division does not exclude the likelihood that certain articles of a future CTBT will need to be considered substantively by both rather than simply one Working Group.

Working Group on Legal and Institutional Issues

Preamble
Article III - The Organization
Article IV - National Implementation Measures and Assistance
Article VI - Settlement of Disputes
Article VII - Privileges and Immunities
Article VIII - Non-compliance
Article IX - Status of Protocols
Article X - Entry into Force
Article XI - Reservations
Article XII - Duration and Withdrawal
Article XIII - Review of the Treaty
Article XIV - Amendments
Article XV - Depositary
Article XVI - Authentic Texts
Protocol I - The Organization
The Text on the Preparatory Commission

Working Group on Verification and Compliance

Article I - Basic Obligations
Article II - Declarations
Article V - Verification
Article VI - Settlement of Disputes
Article VII - Non-compliance
Protocol II - Global Monitoring and Verification System
- Part I - Seismic Monitoring
- Part II - Surveillance of Radionuclides in the Atmosphere
- Part III - Use of Satellite Data
- [Part x - .....]

Protocol III - Procedures for On-Site Inspections and Monitoring
- Part I - Procedures for International On-Site Inspections
- Part II - Procedures for On-Site Monitoring of Large Non-Nuclear Explosions

3. From the above it would seem that both postulated working groups would have a very full program of useful work from an early stage. This would imply the need for both Working Groups to be commissioned during the first meeting of the Nuclear Test Ban Ad Hoc Committee so as to be in a position to take up

substantive discussions on individual topics as early as possible after the commencement of the session.

4. There is no readily apparent reason why substantive and detailed discussion of items on the above menus (as compared with the overall conceptual discussions sought by some delegations) should take place anywhere other than in the relevant Working Group. This question aside, however, initial and non-controversial tasks for the two Working Groups could be considered to include:

Working Group on Legal and Institutional issues

- Organisation of the Working Group (including appointment of Chairman)
- Immediate commencement of substantive work on the following non-controversial topics:

  - Preamble
  - Privileges and Immunities
  - Status of Protocols
  - Review of the Treaty
  - Amendments
  - Depositary
  - Authentic Texts

Working Group on Verification and Compliance

- Organisation of the Working Group (including appointment of Chairman, discussion of management of the work program, consideration of initial tasking and priorities)
- Session with IAEA representative (deferred from the 1993 Ad Hoc Committee's consideration of existing proposals)
- Review of available verification technologies and costs
- Immediate commencement of work on non- or less controversial topics such as Non-Compliance
- (If agreed in line with the suggestion outlined in paragraph 4 above) focussed discussions on central issues related to verification and compliance, including scope of obligations

Delegation of Australia
9 December 1993